

REMARKS

After entry of the present amendment, claims 1, 3 through 15 and 17 through 28 will be pending in the application with claims 1, 15, and 24 written in independent form. Claims 1, 3, and 17 have been amended. New claims 24 through 28 have been added without introduction of new matter.

Claim Rejections – 35 U.S.C. §102

Claims 1 through 8, 10, and 12 through 23 stand rejected under 35 U.S.C. §102 (b) as being anticipated by the United States Patent No. 4,727,419 to Yamada et al. (the *Yamada reference*).

The Examiner indicates that the *Yamada reference* disclosed an apparatus for determining the configuration of a part as disclosed by the Applicant in the present application. Upon reviewing the *Yamada reference*, the Applicant believes that the apparatus of the *Yamada reference* presents a completely different invention designed to identify configuration of the tire through an information mark and an identification mark thereby completely teaching away from the Applicant's invention. In particular, the apparatus taught by the *Yamada reference* includes three stages necessary to identify a tire (1) fed therethrough by a conveyor (2). At a first stage (3), width and inner diameter of the tire (1) are detected to derive a tire size signal. A second stage (4), a first optical head detects an identification mark formed on a side wall portion of tire (1). A third stage (5) includes a second optical head for detecting the tire information marks formed on the side wall portion of tire to derive a position signal.

Alluding to the above, the apparatus of the *Yamada reference* teaches a multitude of components, which have to be operably communicated with one another to reach the goal of the apparatus of the *Yamada reference*. This multitude of components includes a controller (15) adaptable to control a camera head driver (14) in accordance with the tire size signal supplied from sensors (7) and (9) of the first stage (3) and a camera (13), connected to the camera head driver (14), is rotated in radial directions and about the tire axis (O) to scan optically the side wall portion (1B) of tire (1) along the circle (C) to detect identification mark (21). This multitude of components further includes a tire arrival detection sensor (16), a second camera head (17), a camera head driver (18) and a camera head driver controller (19). The second camera head (17) is rotatable about the axis of tire (1) in accordance with the position signal supplied from the controller (19). The second camera head (17) comprises

a two dimensional image sensor to scan the information mark (20), to generate an image signal and to convert the image signal into a *bivalent signal* by a circuit (22) to be stored in an image buffer memory (23) and later being read out and supplied to an image processing circuit (24). The image processing circuit (24) processes the image signal to produce a signal for classifying the tire (1).

The Examiner refers to column 3, lines 38 through 44 of the *Yamada reference* asserting that the apparatus of the *Yamada reference* teaches a comparative program for determining three dimensional configuration of the tire (1) from the first and second configurations. The Applicant has reviewed column 3, lines 38 through 44 and find "a comparative program" of the controller for determining "three dimensional configuration" of the part from the first and second configurations, claimed in dependent claim 2 and incorporated by this amendment in independent claim 1. In the present Office Action the Examiner *did not reject or objected to* the independent claim 15 directed to the step of integrating first and second signals to determine a three dimensional configuration of the part. Therefore the rejection of claims 16 through 23 is moot.

Turning now to new independent claim 24, the Applicant has added this claim to set forth a unique method of determining three dimensional configuration of the tire by utilizing a pair of light receivers and a pair of light transmitters connected to the controller to evaluate first and second signals received from the first and second light receivers to determine and evaluate first and second configuration of the tire and a comparative program of the controller to integrate the first and second signals thereby determining a three dimensional configuration of the tire. As the Applicant has mentioned above, column 3, lines 38 through 44 asserted by the Examiner as bases for rejecting claim 2, the Applicant did find "a comparative program" of the controller for determining "three dimensional configuration" of the part from the first and second configurations. Therefore, the Applicant believes that claim 24 and claims 25 through 28, dependent upon claim 24, are allowable in light of the *Yamada reference*.

Claim Rejections – 35 U.S.C. §103


Claims 9 and 11 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over the *Yamada reference*. The Applicant has amended claim 1 to render the Examiner's rejection of claims 9 and 11 moot.

Consideration of the application as amended during examination of the application is requested. If the Examiner believes that prosecution of the application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicants' agent at the telephone number listed below. Although it is believed that no fee is due for the filing of this Amendment, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayments regarding this Amendment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

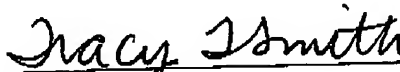
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Michael G. Shariff, Registration No. 58,223
Howard and Howard Attorneys, P.C.
The Pinehurst Office Center, Suite 101
39400 Woodward Ave.
Bloomfield Hills, MI 48304-5151
(248) 723-0400

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached Amendment is being facsimile transmitted to Examiner Isiaka O. Akanbi, Group Art Unit 2877, U.S. Patent and Trademark Office, at facsimile number (571) 273-8300 on June 15, 2006.



Tracy L. Smith

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